

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
GOVERNMENT OPERATIONS**

**Tuesday, May 2, 2006**

**10:30 a.m.**

**Room 326 House Office Building**

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The House Standing Committee on Government Operations was called to order by **Representative Leon Drolet**, Chair.

**MEMBERS PRESENT:** Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey.

**MEMBERS ABSENT/EXCUSED:** Representative Lemmons, III.

**Representative Gosselin** moved to adopt the minutes of the **April 25, 2006** meeting. The motion was supported by **Representative Hoogendyk**. There being no objection, the motion prevailed by unanimous consent.

**Chairman Drolet** laid **SB 181** before the committee:

SB 181     Patterson                     State; employees and officers; office of state poet laureate; create.

**Representative Hoogendyk** moved to report **SB 181** with the recommendation that the bill be referred to the Committee on House Oversight, Elections, and Ethics. The motion was supported by **Representative Gosselin**.

The motion prevailed by a vote of **5-0-1**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen,

Nays: None,

Pass: Representative Tobocman.

**Chairman Drolet** laid **HB 5821** before the committee:

HB 5821     McConico                     Land use; condemnation; procedures regarding just compensation and notice to occupants of property; revise.

## **TESTIMONY**

**Ronald Reynolds**, representing the Michigan State Bar, Real Property Law Section, Eminent Domain Committee, testified in support of the bill.

**Brad Williams** and **Eric Smith**, representing the Michigan Department of Transportation, testified in opposition to the bill.

**Arnold Weinfeld**, representing the Michigan Municipal League, submitted a card in opposition to the bill.

**Tom Frazier**, representing the Michigan Township Association, submitted a card in opposition to the bill.

**Representative Tobocman** offered the following amendments to **HB 5821**:

1. Amend page 5, line 8, after "claims" by inserting "within 90 days after the good faith written offer is made pursuant to section 5(1) or 60 days after the complaint is filed, whichever is later,".
2. Amend page 5, line 12, by striking out all of line 12.
3. Amend page 6, line 2, after "the" by striking out the balance of the line through "damage" on line 3 and inserting "**CATEGORY OF CLAIMS FOR COMPENSATION**".
4. Amend page 6, line 4, after "the" by striking out the balance of the line through "damage" on line 5 and inserting "**CATEGORY OF CLAIMS FOR COMPENSATION**".
5. Amend page 6, line 6, by striking out "item of property or damage" and inserting "**CATEGORY OF CLAIMS FOR COMPENSATION**".
6. Amend page 6, line 7, after "such" by striking out "items of property or damage" and inserting "**CATEGORIES OF CLAIMS FOR COMPENSATION**".

**Representative Tobocman** moved to adopt the amendments. The motion was supported by **Representative Hoogendyk**.

The motion prevailed by a vote of **8-0-0**.

## **FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Representative Gosselin** moved to report **HB 5821** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Tobocman**.

The motion prevailed by a vote of **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Chairman Drolet** laid **SB 693** before the committee:

SB 693	Brown	Land use; condemnation; use of eminent domain to transfer private property to private entities; prohibit.
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**TESTIMONY**

**Matt Sweeney** and **Beth Clement**, representing Senator Brown's office and the Senate Majority Policy Office, submitted a card in support of the bill and indicated they would answer questions.

**Tom Frazier**, representing the Michigan Townships Association, submitted a card in opposition to the bill.

**Arnold Weinfeld**, representing the Michigan Municipal League, submitted a card in opposition to the bill.

**Keith Carey**, representing the National Federation of Independent Business, submitted a card in support of the bill.

**Jerry Griffin**, representing the Wayne County Executive Office, submitted a card in opposition to the bill.

**Representative Garfield** moved to adopt the substitute **(H-1)** to **SB 693**. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Representative Drolet** offered the following amendment to **SB 693 (H-1)**:

1. Amend page 2, following line 12, by inserting:  
"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5060 of the 93rd Legislature is enacted into law."

**Representative Gosselin** moved to adopt the amendment. The motion was supported by **Representative Garfield**.

The motion prevailed by a vote of **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Representative Gosselin** moved to report **SB 693** with recommendation, as substitute (**H-2**). The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Chairman Drolet** laid **HB 5060** before the committee:

HB 5060 Steil	Property; other; use of eminent domain by state or local government to take private property for the primary benefit of a private entity; prohibit.
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**TESTIMONY**

**Brad Ward**, representing the Michigan Association of Realtors, testified indicating neutrality on the bill.

**Joseph Rivet**, representing Michigan Association of County Drain Commissioners, testified indicating neutrality on the bill.

**Jerry Griffin**, representing the Wayne County Executive Office, submitted a card in opposition to the bill.

**Keith Carey**, representing the National Federation of Independent Business, submitted a card in support of the bill.

**Tom Frazier**, representing the Michigan Townships Association, submitted a card in opposition to the bill.

**Arnold Weinfeld**, representing the Michigan Municipal League, submitted a card in opposition to the bill.

**Representative Gosselin** moved to adopt the substitute (H-3) to **HB 5060**. The motion was supported by **Representative Tobocman**.

The motion prevailed by a vote of **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Representative Tobocman** offered the following amendment to **HB 5060 (H-3)**:

1. Amend page 3, following line 5, by inserting:  
“(D) THE PROPERTY OR THE USE OF THE PROPERTY WILL PROVIDE, AFTER THE TRANSFER OF THE PROPERTY, A PUBLIC SERVICE, OR THE PROPERTY SHALL BE SUBSTANTIALLY OCCUPIED BY A PUBLIC ENTITY FOR A GOVERNMENTAL PURPOSE OR BY THE GENERAL PUBLIC FOR ITS ENJOYMENT.”.

**Representative Tobocman** moved to adopt the amendment. The motion was supported by **Representative Garfield**.

The motion prevailed by a vote of **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Representative Drolet** offered the following amendment to **HB 5060 (H-3)**:

1. Amend page 5, following line 8, by inserting:  
“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 693 of the 93<sup>rd</sup> Legislature is enacted into law.

**Representative Sheen** moved to adopt the amendment to **HB 5060 (H-3)**. The motion was supported by **Representative Emmons**.

The motion prevailed by a vote **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman and Lipsey,  
Nays: None,  
Pass: None.

**Representative Tobocman** moved to report **HB 5060** with recommendation, as substitute (**H-4**).  
The motion was supported by **Representative Gosselin**.

The motion prevailed by a vote of **8-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons, Tobocman  
and Lipsey,  
Nays: None,  
Pass: None.

**Representative Gosselin** moved to excuse Representative Lemmons, III from committee. The  
motion was supported by **Representative Lipsey**. There being no objection, the motion prevailed by  
unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at  
11:15 a.m.

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**Representative Leon Drolet, Chair**  
**House Standing Committee on Government Operations**  
Malika Abdur-Rashid  
Committee Clerk  
517-373-7256  
45 Minutes